

PATRICK E. STOCKALPER, SBN 156954  
MOLSHREE GUPTA, SBN 275101  
KJAR, MCKENNA & STOCKALPER, LLP  
841 Apollo Street, Suite 100  
El Segundo, California 90245  
Telephone (424) 217-3026  
Facsimile (424) 367-0400  
pstockalper@kmslegal.com  
mgupta@kmslegal.com

Attorneys for Defendants,  
**COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY**  
*(Defendants is exempt from filing fees pursuant to Government Code § 6103)*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JOSHUA ASSIFF,

Plaintiffs,

v.

COUNTY OF LOS ANGELES;  
SHERIFF DEPUTY BADGE  
NUMBER 404532; And DOES 1  
through 10,

Defendants.

**Case No.: 2:22-cv-05367 RGK(MAAx)**

**DECLARATION OF MOLSHREE  
GUPTA IN SUPPORT OF  
DEFENDANT'S OPPOSITION TO  
PLAINTIFF'S MOTION IN LIMINE  
NO.2 TO EXCLUDE OR LIMIT EXPERT  
TESTIMONY OF DEFENDANTS'  
EXPERT MICHAEL GRAY**

Action Filed: August 3, 2022  
Pretrial Conference: July 10, 2023  
Trial Date: July 25, 2023

Assigned to:  
Hon. R. Gary Klausner, District Judge  
Courtroom 850

All Discovery Matters Referred to:  
Hon. Maria A. Audero, District Judge

**DECLARATION OF MOLSHREE GUPTA**

I, MOLSHREE, ESQ., declare and state as follows:

1. I am an attorney at law duly licensed to practice as such before all the courts of the State of California and am a partner in the law offices of Kjar, McKenna & Stockalper, LLP, attorneys of record for moving parties, COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY in the action entitled *Assiff v. County of Los Angeles, et al*, Case Number 2:22-cv-05367 RGK(MAAX).

2. I have personal knowledge of the matters set forth herein, and if called to testify, I could and would competently testify to the facts set forth in this Declaration based upon my personal knowledge.

3. Attached hereto as **Exhibit A** is a true and correct copy of the expert report provided by Plaintiff's expert, Jeffrey J. Noble.

4. Plaintiff's Expert opines that "Sergeant Kelly's Failure to Use De-Escalation Techniques Was Inconsistent with Generally Accepted police Practices." See **Exhibit A**, at p. 14.

5. Plaintiff's Expert opines "Sergeant Kelly unnecessarily escalated the contact with Mr. Assiff creating the need to use force that would have likely not have been otherwise necessary." See **Exhibit A** at p. 15, 33.

6. Plaintiff's Expert opines "Sergeant Kelly failed to take basic reasonable steps to de-escalate the situation before telling Mr. Assiff that he would be arrested and using force to gain compliance." See **Exhibit A** at p. 36.

7. Plaintiff's Expert opines "Had Sergeant Kelly followed generally accepted police practices and his department policy and used de-escalation to gain voluntary compliance, it is likely that no force would have been necessary." See **Exhibit A** at p. 15, 37.

8. Plaintiff's Expert opines "Sergeant Kelly's Use of Pepper Spray on Mr. Assiff was Objectively Unreasonable, Excessive and Inconsistent with Generally Accepted Police Practices" See **Exhibit A** at p. 15.

9. Plaintiff's Expert opines "While Mr. Assif was not complying with Sergeant Kelly's commands he was not actively resisting, but merely passively resisting." See **Exhibit A** at p. 18, 44.)

10. Plaintiff's Expert opines "The use of a punch to the face in these circumstances was excessive, objectively unreasonable and inconsistent with generally accepted police practices." See **Exhibit A** at p. 19, 46(c).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 30, 2023, at El Segundo, California.

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**/s/***Molshree Gupta*  
**MOLSHREE GUPTA**

**CERTIFICATE OF SERVICE**

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 841 Apollo Street, Suite 100, El Segundo, California 90245.

On June 30, 2023, I served the foregoing document described as **DECLARATION TO MOLSHREE GUPTA IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S EX PARTE APPLICATION TO CONTINUE HEARING ON MOTION FOR PARTIAL SUMMARY JUDGMENT** on all interested parties in this action by placing a true copy thereof in a sealed envelope addressed as follows:

**SEE ATTACHED SERVICE LIST**

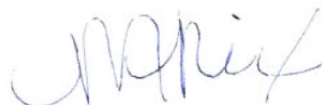
**By Mail** I caused such envelope(s) to be deposited in the mail at El Segundo, California. The envelope was mailed with postage thereon fully prepaid and addressed to the parties listed on the Service List. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

XX **By Email** Based upon a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in the Service List. My email address is [mnixon@kmslegal.com](mailto:mnixon@kmslegal.com).

**By Personal Service** I caused such document to be Personally Served on the parties listed in the Service List.

XX **State** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 30, 2023, at El Segundo, California.



Maria Nixon

**SERVICE LIST**

**Assiff, Joshua vs. County of Los Angeles, et al.**

Central District- Case No.: 2:22-cv-05367 RGK(MAAX)

Thomas M. Ferlauto, Esq. Law Office of Thomas M. Ferlauto, APC 25201 Paseo de Alicia, Ste. 270 Laguna Hills, CA 92653 EM: <a href="mailto:tmf@lawofficetmf.com">tmf@lawofficetmf.com</a>	Attorney for Plaintiff, <b>JOSHUA ASSIFF</b>
Philip Cohen, Esq. Law Offices of Philip Kent Cohen, APC 100 Wilshire Boulevard, Suite 1300 Santa Monica, CA 90401 Telephone: 310/451-9111 Facsimile: 310/451-9119 EM: <a href="mailto:pcohen@pcohenlaw.com">pcohen@pcohenlaw.com</a>	Co-Attorney for Plaintiff. <b>JOSHUA ASSIFF</b>